

HOUSE BILL 2328

By Hawk

AN ACT to amend Tennessee Code Annotated, Section 49-1-302 and Title 49, Chapter 5, relative to use of teacher evaluations in tenure decisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-509, is amended by deleting the section in its entirety and substituting instead the following:

49-5-509.

(a) If a teacher transfers from one LEA in this state to another LEA, the LEA from which the teacher transfers shall send to the LEA to which the teacher transfers the results of the teacher's last five (5) evaluations or the results of all evaluations, if fewer than five (5) are available. A local board of education of the new LEA in making a tenure decision shall take into consideration the evaluations the teacher received in the LEA from which the teacher transferred, unless the teacher serves five (5) or more years in the new LEA before the tenure decision is made.

(b) A transferring teacher who is tenured or a transferring teacher who is nontenured and has five (5) or more years of prior service shall serve the regular probationary period in the new LEA, unless the local board of education, upon the recommendation of the director of schools, waives the probationary period requirement and grants tenure status or shortens the probationary period.

(c) If a nontenured teacher who does not have five (5) years of prior service transfers to an LEA, then tenure shall not be granted until the teacher has served at least five (5) years when service in both LEAs is counted.

(d) All tenure decisions made under this section are subject to the requirements of § 49-5-504 concerning overall performance effectiveness levels.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.